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ILLICIT DRUG TRAFFIC AND SUPPLY, INCLUDING REPORTS FROM SUBSIDIARY BODIES AND EVALUATION OF THEIR ACTIVITIES

Evaluation of the functioning of the subsidiary bodies of the Commission

Note by the Secretariat

Summary

Pursuant to a request made at its thirty-seventh session, the present document has been prepared by the United Nations International Drug Control Programme (UNDCP) to assist the Commission in evaluating the activities of its subsidiary bodies. The report examines the methods of work of those bodies, the impact of their recommendations, their composition and the periodicity of their meetings. In addition, the manner in which the Commission reviews action by its subsidiary bodies is reviewed. The Commission may wish to give new or additional directives to UNDCP, particularly with respect to paragraphs 3, 4, 6, 7, 11, 16 and 20.

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INTRODUCTION

1. In response to the need for closer cooperation and coordination in drug law enforcement matters at the regional level, the Commission on Narcotic Drugs has, over the years, established five subsidiary bodies. The Subcommission on Illicit Drug Traffic and Related Matters in the Near and Middle East and the meetings of Heads of National Drug Law Enforcement Agencies (HONLEA), Asia and the Pacific, were the first subsidiary bodies to be established, in accordance with Economic and Social Council resolutions 1776 (LIV) of 18 May 1973 and 1845 (LVI) of 15 May 1974, respectively. The need for similar coordination mechanisms in other regions gradually led to a global network of HONLEA meetings. HONLEA, Africa, was established in 1985, HONLEA, Latin America and the Caribbean, in 1987, and HONLEA, Europe, in 1990, in accordance with Council resolutions 1985/11 of 28 May 1985, 1987/34 of 26 May 1987, and 1990/30 of 24 May 1990, respectively. At its thirty-seventh session, the Commission requested the United Nations International Drug Control Programme (UNDCP) to submit an evaluation of the functioning of its subsidiary bodies to the Commission at its thirty-eighth session.[1]

I. WORKING METHODS OF THE SUBSIDIARY BODIES

2. The working methods of the subsidiary bodies have evolved over the years and now focus on the identification of priority issues impeding drug law enforcement coordination at the regional level and the adoption of concerted countermeasures. Subsidiary bodies normally meet for five working days and first examine the current situation and the most recent trends in illicit drug trafficking in the region concerned. Following the review of the status of implementation of recommendations adopted at previous meetings, the subsidiary body then proceeds to the establishment of ad hoc working groups, usually three to five, to discuss the most pertinent regional drug law enforcement issues identified. The length of meetings of the working groups depends on the scope of the topic under discussion and ranges from half a day to two full days. Working groups occasionally break into smaller groups to examine the issues from subregional perspectives. The discussions of working groups result in the formulation of practical recommendations for action at government level. Results of the deliberations of working groups are presented to the plenary for approval.

3. The manner in which meetings are conducted has generally been well received. The examination of the current situation is viewed as an important means of obtaining a focused, in-depth picture of the current situation regarding trends in the illicit traffic, as perceived and reported by the various countries in the region, and is a basic source of information on the illicit traffic available to the Commission on Narcotic Drugs. To avoid allocating too much time to the presentation of general statements on the current drug-trafficking situation, participants submit to the meeting a written summary of the situation in their countries. The secretariat has also discouraged the practice of general statements by allocating less time to the agenda item and by encouraging Governments to take the floor only to present novel current trends not already reflected in country reports. In addition, although HONLEA meetings are supposed to emphasize operational activities, a number of participants have pointed out that some delegations are not led by operational heads of police or customs authorities, but rather by members of other ministries. Although the composition of delegations is obviously a matter for each participating State to decide, such an occurrence warrants mention in the present evaluation.

4. The working-group approach seems to have been successful. It allows issues to be discussed in an informal and confidential setting which is particularly appreciated when sensitive matters are examined. Good preparation of the working group topics by UNDCP, often assisted by the Customs Cooperation Council (CCC), the International Criminal Police Organization (ICPO/Interpol) and key resource persons from Governments, has also played an important role. Topics to be discussed by the

working groups are generally determined well in advance of the meeting, utilizing to the fullest extent possible the law enforcement expertise available in the UNDCP Field Office network in the region concerned. Audiovisual or case presentations are arranged to guide the working groups in their deliberations and to stimulate active exchanges between law enforcement agencies.

II. IMPACT OF RECOMMENDATIONS BY THE SUBSIDIARY BODIES

5. In order to evaluate the impact of recommendations adopted at meetings of the subsidiary bodies, it is essential to ascertain the degree to which those recommendations have been implemented. As mentioned above, the status of implementation of such recommendations is examined under a separate agenda item at each meeting. To enable Governments to report on the action taken, the secretariat prepares a questionnaire in which participants are asked to identify the degree to which the recommendations adopted at the previous meeting have been put into practice. Questionnaires are mailed to participants shortly after the close of a meeting and to participants who are to attend the following meeting.

6. A large number of participants do not return questionnaires on the implementation of the recommendations on time, making preparation of meaningful background documents on that agenda item difficult. In addition, meetings have occasionally not addressed the question of implementation of recommendations at all in view of the limited time available and the absence of data on implementation. That tends to hamper meaningful evaluation and follow-up action. Recently, however, there has been growing agreement that monitoring of the implementation of recommendations is an important means of gauging the progress made and problems encountered in implementing them. UNDCP has made an increased effort to ensure follow-up action, particularly by using UNDCP Field Offices in the regions concerned. As a result, the response rate for the Seventh Meeting of HONLEA, Africa, was significantly higher. Such action should be continued in order to provide UNDCP, the Commission and the subsidiary bodies themselves with the means of evaluating progress at the regional level.

7. The introduction of meetings of HONLEAs in all regions during the late 1980s and the insistence by Governments on maintaining an annual cycle of such meetings (except in Europe - see paragraph 15 below) would seem to evidence their usefulness. Meetings of the subsidiary bodies have fostered closer cooperation between drug law enforcement agencies at the regional and subregional levels, and the importance of regular contacts and exchanges on a formal or informal basis should not be underestimated. It is, however, difficult to quantify those results. Only in a very few cases can certain quantifiable events (such as a large amount of drugs seized) be directly attributed to cooperation between law enforcement agencies resulting from meetings of the subsidiary body.

III. COMMISSION REVIEW OF ACTION BY THE SUBSIDIARY BODIES

8. The discussions of the most recent trends in illicit traffic in the different regions and the recommendations adopted at the meetings of the subsidiary bodies are brought to the attention of the Commission, which reviews the issues raised, and endorses, where appropriate, the recommendations of the meetings.

9. The Commission may also suggest ways of further improving the working methods of the subsidiary bodies, and thus their efficiency. In a draft resolution submitted to and adopted by the Council (resolution 1992/29 of 30 July 1992), the Commission settled questions of periodicity, composition and other administrative matters, such as the venues of future meetings.

10. The Commission has also discussed the focus of the meetings of the subsidiary bodies. The suggestion was made that subsidiary bodies should also cover judicial cooperation,[2] including an analysis of problems hampering the practical implementation of certain provisions contained in the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988.[3] Such issues as, for instance, the provisions of the 1988 Convention concerning controlled delivery or money-laundering have since been examined in ad hoc working groups. Although some representatives have argued that the focus of meetings of the subsidiary bodies on drug law enforcement was inconsistent with the strategy of UNDCP, which was based on a balanced approach giving equal importance to drug law enforcement and to the reduction of illicit drug demand, the majority of representatives at the Commission meetings have agreed that current meetings of the existing subsidiary bodies should maintain their focus on technical drug law enforcement issues.

11. Although the Commission has discussed general issues relating to the conduct and the mandate of meetings of the subsidiary bodies, it rarely comments on substantive issues raised at those meetings. It is invited to consider examining law enforcement matters more closely, with a view to making better use of the experiences reflected in the reports of the subsidiary bodies, particularly under the agenda item on illicit drug traffic and supply, including reports from subsidiary bodies and evaluation of their activities. The top-down approach from the Commission to the subsidiary body, which involves asking the subsidiary bodies to examine certain drug control issues raised in General Assembly resolution 48/12 of 28 October 1993, is a new approach, and results should be carefully monitored. There is also no reason why such an approach should not work the other way round, that is, from the subsidiary body to the Commission.

IV. PERIODICITY OF MEETINGS OF THE SUBSIDIARY BODIES

12. Since the First Meeting of HONLEA, Asia and the Pacific, was held in 1974, a total of eighteen meetings have been held to date. The first meetings of HONLEA, Africa, and HONLEA, Latin America and the Caribbean, were both held in 1987. HONLEA, Africa, has held seven meetings and HONLEA, Latin America and the Caribbean, has held six. HONLEA, Europe, has met twice, in 1990 and 1993, and the third meeting is scheduled for 1995. The standard procedure has been for HONLEA meetings to sit for five working days.

13. Under its original 1973 terms of reference, the Subcommission was to meet once a year at Geneva (then headquarters of its secretariat, the former Division of Narcotic Drugs) and to undertake an annual study tour in the territories of the regional members. Study tours were discontinued in 1979. In Council resolution 1988/14 of 25 May 1988, it was decided that the Subcommission should continue to meet annually at a capital in the region, whenever possible, and at the United Nations Office at Vienna prior to the regular or special sessions of the Commission. At its twenty-eighth session, held at Tehran in November 1991, the Subcommission examined the question of the periodicity and duration of its sessions, and concluded that in future it would be preferable to meet for a period of five working days in one of the countries of the region, and that the second annual meeting at Vienna should be discontinued.

14. The Council, in its resolution 1992/28 of 30 July 1992, confirmed that procedure and decided that in future the Subcommission should in principle meet annually for a period of five days in one of the countries covered by the region. In that resolution, the Council also confirmed that all HONLEA meetings (except for those of HONLEA, Europe) should continue to meet annually in a country of each region.

15. With respect to the frequency of meetings of HONLEA, Europe, the Council, in its resolution 1993/36 of 27 July 1993, invited the Executive Director of UNDCP to convene the Third Meeting of HONLEA, Europe, in 1995, and thereafter to convene such meetings every three years under the auspices of UNDCP. The resolution further invited the Executive Director to continue to develop cooperation between UNDCP, CCC and ICPO/Interpol. In that connection, it has been agreed that CCC and ICPO/Interpol are invited to attend meetings of the subsidiary bodies as special observers. In addition, both organizations are fully integrated into working groups and plenary sessions through audiovisual and other pre-arranged presentations in their respective areas of expertise.

16. The periodicity and functioning of the subsidiary bodies thus have been reviewed and confirmed through relatively recent action by the Commission and the Council.

V. COMPOSITION OF SUBSIDIARY BODIES

17. Participation as a member of a HONLEA meeting has been determined with reference to the membership of a State in one of the regional economic commissions of the United Nations, in accordance with Council resolution 1992/28. Thus, in the case of HONLEA, Africa, the 52 States that take part in the work of the Economic Commission for Africa are invited to attend as members; the same principle is applied to the 42 States members of the Economic Commission for Latin America and the Caribbean, the 46 States members of the Economic Commission for Europe, and the 48 States members of the Economic Commission for Asia and the Pacific.

18. In contrast to the regional HONLEA meetings, the membership of the Subcommission has always been specified by the Council in resolutions or decisions recommended to it by the Commission. The Subcommission initially consisted of Afghanistan, Iran (Islamic Republic of), Pakistan, Sweden and Turkey. Through the years it has been enlarged to include Azerbaijan, Bahrain, Egypt, India, Iraq, Jordan, Kuwait, Lebanon, Oman, Qatar, Saudi Arabia, Syrian Arab Republic, United Arab Emirates, Uzbekistan and Yemen. There are thus 20 States currently members of the Subcommission.

19. The number of observers varies from one body to the next. Currently, any State that is not a member of the subsidiary body (in other words, of the relevant regional economic commission), and that is interested in participating in a meeting of the subsidiary body, is invited to attend as an observer, upon request. The Council, in its resolution 1992/28, reiterated that observer status in all subsidiary bodies of the Commission was open to all States requesting such status.

20. As a result mainly of the application of the rule of membership in a regional commission as a yardstick for membership in HONLEAs, the following States are currently members of more than one subsidiary body of the Commission: Azerbaijan, Canada, Egypt, France, India, Iran (Islamic Republic of), Italy, Netherlands, Pakistan, Portugal, Spain, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland and United States of America.

Notes

[1]Official Records of the Economic and Social Council, 1994, Supplement No. 10 (E/1994/30), chap. II, para. 30.

[2]Official Records of the Economic and Social Council, 1992, Supplement No. 5 (E/1992/25), chap. IV, para. 114.

[3]E/CONF.82/15 and Corr.2.

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IMPLEMENTATION OF THE INTERNATIONAL DRUG CONTROL TREATIES

CHANGES IN THE SCOPE OF CONTROL OF SUBSTANCES

Report of the Executive Director

Summary

The Commission on Narcotic Drugs has the responsibility under the international drug control treaties to decide what substances should be brought under international control and what control measures should be applied. Proposals for changing the scope of control of seven substances under the Convention on Psychotropic Substances of 1971 have been received from the Government of the United States of America and the Director-General of the World Health Organization. The Commission is called upon to decide what action may be required.

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Introduction

1. The international drug control treaties* provide that the responsibility for amending those treaties with respect to the substances under international control lies with the Commission on Narcotic Drugs. By deciding to add a substance to one of the schedules annexed to the 1961 or 1971 Convention or to one of the tables annexed to the 1988 Convention, the Commission creates an obligation for States parties to the relevant treaty to apply a specific control system to the substance at both the national and international levels. The Commission may also decide to delete a substance from a schedule or table, thereby removing it from international control, or to transfer a substance from one control system to another.

2. While the power to amend the schedules or tables of the 1961, 1971 and 1988 Conventions lies with the Commission (with the possibility of review by the Economic and Social Council at the request of a State party), the amendment procedure itself originates with a State Party or with either the World Health Organization (WHO) (for the 1961 and 1971 Conventions) or the International Narcotics Control Board (for the 1988 Convention); that procedure is set forth in detail in article 3 of the 1961 Convention, article 2 of the 1971 Convention and article 12 of the 1988 Convention.

3. At its thirty-eighth session, the Commission will have before it seven proposals relating to a change in the scope of control of substances under the 1971 Convention, one originally submitted by the United States of America and subsequently reviewed and assessed by WHO as required under the treaty, and six submitted by the Director General of WHO in exercise of the right and duty of that organization under the treaty.

I. CONSIDERATION OF NOTIFICATIONS RECOMMENDING SCHEDULING OR RESCHEDULING UNDER THE CONVENTION ON PSYCHOTROPIC SUBSTANCES OF 1971

A. Proposal to include methcathinone in Schedule I of the 1971 Convention

4. Pursuant to article 2, paragraph 1, of the 1971 Convention, the Government of the United States sent a notification to the Secretary-General informing him that, in its opinion, methcathinone (2-(methylamino)-1- phenylpropan-1-one) should be included in Schedule I of the Convention (see annex I). In accordance with the provisions of article 2, paragraph 2, of the Convention, the notification was transmitted by the Secretary-General to all Governments under cover of a note verbale dated 10 March 1994, with a request for comments and relevant information.

5. In accordance with the provisions of article 2, paragraph 2, of the 1971 Convention, the Secretary-General also transmitted a copy of the notification to WHO.

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* The Single Convention on Narcotic Drugs of 1961[1], that Convention as amended by the 1972 Protocol[2], the Convention on Psychotropic Substances of 1971[3] and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988[4].

6. In response to the Secretary-General's request for additional information, replies had been received by the Secretariat of the Commission on Narcotic Drugs as of 20 September 1994 from the following 32 States: Andorra, Argentina, Australia, Bangladesh, Belarus, Cuba, Cyprus, Denmark, Ecuador, Finland, Germany, India, Japan, Jordan, Latvia, Maldives, Mexico, Namibia, Nepal, Nigeria, Norway, Oman, Pakistan, Saint Kitts and Nevis, Saudi Arabia, Spain, Switzerland, Syrian Arab Republic, Thailand, Turkey, Ukraine and Zimbabwe. The data submitted by Governments were communicated by the Secretary-General to the twenty-ninth meeting of the WHO Expert Committee on Drug Dependence, held at Geneva from 26 to 29 September 1994, and is summarized below for the information of the Commission.

7. Twenty-six of the respondents stated that methcathinone was not known locally and, therefore, did not pose any problem of abuse. Two Governments replied that methcathinone was a drug of abuse. Belarus reported 10-12 new cases of abuse per year. Latvia reported that methcathinone, known locally as ephedrone, was available and subject to national control, and was also one of the main drugs of abuse in that country. It should also be recalled that the information in support of the notification by the Government of the United States, proposing the scheduling of methcathinone, documented not only abuse, but also clandestine laboratories. Apart from the United States, no seizures or clandestine laboratories were reported by any Government.

8. In spite of the absence of widespread abuse, 14 Governments* expressed agreement with, or had no objection to, the proposal to include methcathinone in Schedule I of the 1971 Convention. Two Governments substantiated their position by specific comments. Saudi Arabia pointed out that methcathinone should be under international control because it was a synthetic analogue of cathinone and had even stronger effects on the central nervous system than cathinone. Switzerland indicated that it should be placed under control because it was a precursor for illicit manufacture of amphetamines.

9. The meeting of the Expert Committee referred to above in paragraph 6 examined the abuse potential of methcathinone and reported its findings to the Director General of WHO, resulting in the latter's recommendation, pursuant to article 2, paragraph 4, of the 1971 Convention, that the substance should be included in Schedule I of the Convention, in support of the proposal made by the United States. That recommendation is contained in the note from the Director General of WHO which is reproduced in annex II.

B. Proposals to include etryptamine in Schedule I, zipeprol in Schedule II, and aminorex, brotizolam and mesocarb in Schedule IV, and to transfer flunitrazepam from Schedule IV to Schedule III of the 1971 Convention

10. The Director General of WHO had informed the Secretary-General that the twenty-ninth meeting of the Expert Committee, in addition to examining the notification of the United States proposing the inclusion of methcathinone in Schedule I of the 1971 Convention (see paragraphs 4-9 above), would review a number of substances for possible control under the international drug control treaties.

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* Australia, Bangladesh, Cuba, Ecuador, Finland, Germany, Latvia, Nigeria, Pakistan, Saudi Arabia, Switzerland, Turkey, Ukraine and Zimbabwe.

11. During its meeting, the Expert Committee examined the abuse potential of a number of substances and recommended to the Director-General of WHO that six substances be brought under the control of the 1971 Convention. One of the substances was methcathinone (see paragraph 10); the other five were aminorex (2-amino-5-phenyl-2-oxazoline), brotizolam (2-bromo-4-(*o*-chlorophenyl)-9-methyl-6*H*-thieno[*3,2-f*]-*s*-triazolo[4,3-*a*][1,4]diazepine), etryptamine (3-(2-aminobutyl)indole), mesocarb (3-(*α*-methylphenethyl)-*N*-(phenylcarbamoyl)sydnone imine), and zipeprol (*α*-(*α*-methoxybenzyl)-4-(*β*-methoxyphenethyl)-1-piperazineethanol). The Expert Committee also recommended that flunitrazepam, which is currently in Schedule IV of the 1971 Convention, be transferred to another schedule of that Convention to ensure that stricter control measures apply to it.

12. Pursuant to article 2, paragraphs 1, 4 and 6, of the 1971 Convention, the Director-General of WHO notified the Secretary-General by a note dated 11 November 1994 that WHO was of the opinion that etryptamine should be included in Schedule I, zipeprol in Schedule II, and aminorex, brotizolam and mesocarb in Schedule IV of the 1971 Convention. WHO also recommended that flunitrazepam be transferred from Schedule IV to Schedule III of the 1971 Convention. The text of the notification, assessments and recommendations from the Director General of WHO are reproduced in annex II.

13. Following receipt of that notification, and in accordance with the provisions of article 2, paragraph 2, of the 1971 Convention, the Secretary-General sent to all Governments a note (NAR/CL.10/1994) dated 7 December 1994 in which he invited them to submit data on those substances concerning seizures or the existence of clandestine laboratories. Governments were also invited to indicate any economic, social, legal, administrative or other factors they might consider relevant to the question of the possible scheduling or rescheduling of those seven substances. Replies received from Governments to the note of the Secretary-General will be made available to the Commission in an addendum to the present document.

II. ACTION BY THE COMMISSION ON NARCOTIC DRUGS

14. The notification by the Director-General of WHO is now before the Commission for consideration in accordance with the provisions of article 2, paragraphs 5 and 6, of the 1971 Convention[3], which read as follows:

> "5. The Commission, taking into account the communication from the World Health Organization, whose assessments shall be determinative as to medical and scientific matters, and bearing in mind the economic, social, legal, administrative and other factors it may consider relevant, may add the substance to Schedule I, II, III or IV. The Commission may seek further information from the World Health Organization or from other appropriate sources.
>
> "6. If a notification under paragraph 1 relates to a substance already listed in one of the Schedules, the World Health Organization shall communicate to the Commission its new findings, any new assessment of the substance it may make in accordance with paragraph 4 and any new recommendations on control measures it may find appropriate in the light of that assessment. The Commission, taking into account the communication from the World Health Organization as under paragraph 5 and bearing in mind the factors referred to in that paragraph, may decide to transfer the substance from one Schedule to another or to delete it from the Schedules."

15. With regard to the decision-making process, the attention of the Commission is drawn to the fact that, article 17, paragraph 2, of the 1971 Convention[3] stipulates that "the decisions of the Commission provided for in articles 2 and 3 shall be taken by a two-thirds majority of the members of the Commission". From a practical point of view, this means that for a decision to carry, an affirmative vote of at least 36 members of the Commission is required. Because of this requirement, the Commission should vote separately on each substance. It should also be noted that a decision passed by consensus does not automatically ensure that a two-thirds majority of the members of the Commission have voted in favour of a proposal; it is accordingly necessary to vote by a show of hands, or by roll-call if requested by a State member of the Commission.

16. The Commission should therefore decide:

(a) Whether or not it wishes to include aminorex in Schedule IV of the 1971 Convention, or, if not, what other action, if any, is required;

(b) Whether or not it wishes to include brotizolam in Schedule IV of the 1971 Convention, or, if not, what other action, if any, is required;

(c) Whether or not it wishes to include etryptamine in Schedule I of the 1971 Convention, or, if not, what other action, if any, is required;

(d) Whether or not it wishes to transfer flunitrazepam from Schedule IV to Schedule III of the 1971 Convention, or, if not, what other action, if any, is required;

(e) Whether or not it wishes to include mesocarb in Schedule IV of the 1971 Convention, or, if not, what other action, if any, is required;

(f) Whether or not it wishes to include methcathinone in Schedule I of the 1971 Convention, or, if not, what other action, if any, is required;

(g) Whether or not it wishes to include zipeprol in Schedule II of the 1971 Convention, or, if not, what other action, if any, is required.

Notes

1. United Nations, Treaty Series, vol. 520, No. 7515.

2. Ibid., vol. 976, No. 14152.

3. Ibid., vol. 1019, No. 14956.

4. Official Records of the United Nations Conference for the Adoption of a Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, Vienna, 25 November-20 December 1988 (United Nations publication, Sales No. E.94.XI.5), vol.I.

Annex I

NOTIFICATION DATED 10 JANUARY 1994 FROM THE GOVERNMENT OF THE UNITED STATES OF AMERICA TO THE SECRETARY-GENERAL*

Subject: Addition of a substance to one of the Schedules annexed to the Convention

The Government of the United States of America, being a Party to the 1971 Convention on Psychotropic Substances, has information relating to the following substance which is not yet under international control, but which, in the Government's opinion, may require its addition to one of the Schedules of the 1971 Convention on Psychotropic Substances.

The Substance is known by the names of N-methylcathinone, methcathinone, ephedrone and monomethylpropion. Its chemical name is 2-(methylamino)-1-phenylpropan-1-one and its chemical formula is $C_{10}H_{13}NO$.

In the Government's opinion, the above substance should be added to Schedule I of that Convention.

The Government of the United States of America transmits this notification to the Secretary-General of the United Nations, in accordance with paragraph 1 of article 2 of the 1971 Convention on Psychotropic Substances, in order to initiate the procedure provided for under that article.

The relevant information in support of this notification is annexed hereto.**

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* Reproduced in the form in which it was received.

** Note by the Secretariat: The information submitted by the Government of the United States of America was transmitted to all States under cover of a note verbale (NAR/CL.1/1994) dated 10 March 1994 from the Secretary-General and accordingly is not reproduced here in extenso. Copies of that note verbale in English, French or Spanish are available from the Secretariat on request.

Annex II

NOTE DATED 11 NOVEMBER 1994 FROM THE DIRECTOR-GENERAL OF THE WORLD HEALTH ORGANIZATION TO THE SECRETARY-GENERAL*

The Director-General of the World Health Organization presents his compliments to the Secretary-General of the United Nations and has the honour to transmit, in accordance with article 2, paragraph 1, 4 and 6 of the Convention on Psychotropic Substances, 1971, assessments and recommendations of the World Health Organization, as set forth in the annex hereto, concerning proposed international control in respect of aminorex, brotizolam, etryptamine, flunitrazepam, mesocarb, meth*cathinone* and zipeprol.

The Director-General of the World Health Organization avails himself of this opportunity to renew to the Secretary-General of the United Nations the assurance of his highest consideration.

Aminorex

1. Substance identification

Aminorex (INN; CAS 2207-50-3), chemically 2-amino-5-phenyl-2-oxazoline, is also known as aminoxaphen and aminoxafen, and formerly as Apiquel and Menocil (aminorex fumarate). Aminorex has one asymmetric carbon atom in the molecule, so that two stereoisomeric forms and one racemate are possible.

2. Similarity to already known substances and effects on the central nervous system

Aminorex is chemically similar to 4-methyl*aminorex*, which is included in Schedule I of the Convention on Psychotropic Substances, 1971. Aminorex produces effects that are characteristic of central nervous system stimulants such as amfetamine, and was used clinically for its anorectic effects. Aminorex produces adverse effects similar to those produced by central nervous system stimulants. In addition, when used as an anorectic, aminorex was considered to have been responsible for the occurrence of a significant incidence of pulmonary hypertension. This led to its withdrawal from the market in 1968.

3. Dependence potential

In drug discrimination studies, aminorex generalized to amfetamine and cocaine. Animal self-administration studies indicate that aminorex has some reinforcing effects. These animal studies suggest that aminorex has a moderate dependence potential.

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* Reproduced in the form in which it was received.

4. Actual abuse and/or evidence of likelihood of abuse

Police and forensic reports indicate that aminorex is illicitly distributed in the United States of America as well as to a limited degree in Germany. These cases document the distribution of aminorex as amfetamine or metamfetamine on the street, suggesting that the population using the drug mainly comprises stimulant abusers. In spite of the limited level of actual abuse, aminorex is assessed to have a moderate abuse liability, taking into account the relative simplicity of its manufacturing in clandestine laboratories.

5. Therapeutic usefulness

Because of serious adverse effects, aminorex is assessed to have very little, if any, therapeutic usefulness.

6. Recommendation

Based on the available data concerning its pharmacological and toxicological profile, dependence potential and likelihood of abuse, the degree of seriousness of the public health and social problems associated with the abuse of aminorex is assessed to be significant. On the basis of this and the assessment of its therapeutic usefulness, it is recommended that aminorex be included in Schedule IV of the Convention on Psychotropic Substances, 1971.

Brotizolam

1. Substance identification

Brotizolam (INN; CAS 57801-81-7), chemically 2-bromo-4-(*o*-chlorophenyl)-9-methyl-6*H*-thieno[3,2-*f*]-*s*-triazolo[4,3-*a*][1,4]diazepine, is also known as Ladormin, Lendorm, Lendormin, Lindormin, Noctilan, Dormex and Sintonal.

2. Similarity to already known substances and effects on the central nervous system

Brotizolam produces pharmacological effects typical of the class of benzodiazepines. It binds with high affinity to benzodiazepine receptors. A number of studies have demonstrated the therapeutic effects of brotizolam as a short-acting hypnotic with a mean elimination half-life of 4-5 hours.

3. Dependence potential

Animal studies have shown that brotizolam has barbiturate type subjective effects. It produces alcohol-barbiturate type mild-to-severe withdrawal syndromes, and has some reinforcing effects. The few clinical studies available demonstrate the occurrence of rebound insomnia upon withdrawal of the drug. These findings collectively indicate that brotizolam has a moderate dependence potential similar to other benzodiazepine hypnotics.

4. Actual abuse and/or evidence of likelihood of abuse

In spite of its pharmacological similarity to other benzodiazepine hypnotics, and its marketing in 18 countries, actual abuse of brotizolam has been reported only in Germany and Hong Kong. In Germany, although there has been some abuse and illicit activity involving brotizolam, this was not considered serious enough to subject the drug to the

distribution control measures which are applicable to controlled drugs. In Hong Kong, following its introduction to the local market in 1988, the abuse of brotizolam increased rapidly among young people, leading to the application of stricter regulatory control measures in 1990. The company withdrew the product from the market in 1992.

Based on the experiences of Germany and Hong Kong with brotizolam, it is assessed that brotizolam has an appreciable abuse liability. The problem may be more acute in situations where prescription requirements for dispensing are not effectively implemented or are not applicable.

5. Therapeutic usefulness

Brotizolam is marketed as a hypnotic in 18 countries and may be considered to have a moderate to great therapeutic usefulness.

6. Recommendation

Based on the available data concerning its pharmacological and toxicological profile, dependence potential and likelihood of abuse, the degree of seriousness of the public health and social problems associated with the abuse of brotizolam is assessed to be significant, in cases where prescription requirements are not effectively implemented or required, a situation which exists in many developing countries. On the basis of this and the assessment of its therapeutic usefulness, it is recommended that brotizolam be included in Schedule IV of the Convention on Psychotropic Substances, 1971.

Etryptamine

1. Substance identification

Etryptamine (INN; CAS 2235-90-7), chemically 3-(2-aminobutyl)indole, is also known as *α*-ethyltryptamine and Monase. Etryptamine has a single chiral centre, so that two stereoisomeric forms and one racemate are possible.

2. Similarity to already known substances and effects on the central nervous system

Chemically, etryptamine is similar to hallucinogenic tryptamines, some of which are already in Schedule I of the 1971 Convention. Animal studies indicate that etryptamine produces effects similar to those produced by 3,4-methylenedioxy*metamfetamine* (MDMA), but its hallucinogenic effects are more pronounced than its stimulant effects. Like amfetamine, etryptamine increases locomotor activity in rodents. In a study using the behavioural pattern monitoring method, etryptamine significantly decreased investigatory behaviour, which is typical of hallucinogens and MDMA-like substances. The stimulant effects of etryptamine are slower in onset and more prolonged in duration than those of amfetamine. In addition, etryptamine inhibits monoamine oxidase.

In the early 1960s, etryptamine acetate was placed on the United States market as an anti-depressant. Soon after its release on the market, it was reported that etryptamine was associated with a high incidence of agranulocytosis, a potentially fatal condition. More recently, there were isolated reports of etryptamine being associated with the deaths of drug abusers in Germany, Spain and the United States of America.

3. Dependence potential

Animal drug discrimination studies indicate that etryptamine has subjective effects resembling MDMA. Self-administration studies indicate that etryptamine has a moderate dependence potential, which is lower than that of cocaine.

4. Actual abuse and/or evidence of likelihood of abuse

Information available from various sources indicates that there has been some abuse of etryptamine in Germany, Spain and the United States of America. Etryptamine is estimated to have a high abuse liability.

5. Therapeutic usefulness

In view of its association with serious adverse reactions such as agranulocytosis, the therapeutic usefulness of etryptamine is assessed to be very limited, if any.

6. Recommendation

Based on the available data concerning its pharmacological and toxicological profile, dependence potential and likelihood of abuse, the degree of seriousness of the public health and social problems associated with the abuse of etryptamine is assessed to be especially serious. On the basis of this and the assessment of its therapeutic usefulness, it is recommended that etryptamine be included in Schedule I of the Convention on Psychotropic Substances, 1971.

Flunitrazepam

1. Substance identification

Flunitrazepam (INN; CAS 1622-62-4), chemically 5-(o-fluorophenyl)-1,3-dihydro-1-methyl-7-nitro-2*H*-1,4-benzodiazepin-2-one, is also known as Absint; Darkene, Fluninoc, Flunipam, Flunita, Flunitrazepam-ratiopharm, Hypnodrom, Hipnosedon, Inervon, Narcozep, Parnox, Primun, Rohipnol, Rohypnol, Roipnol and Valsera.

2. Similarity to already known substances and effects on the central nervous system

Flunitrazepam has typical benzodiazepine effects, with a greater sedative-hypnotic potency than diazepam or chlordiazepoxide. Flunitrazepam binds with high affinity to central benzodiazepine receptors. Flunitrazepam is rapidly absorbed after oral administration. The elimination half-life of flunitrazepam following a single oral dose ranges between 9 to 25 hours in humans. Accumulation occurs with chronic administration.

3. Dependence potential

Drug discrimination, drug withdrawal and self-administration studies indicate that flunitrazepam has a dependence potential similar to other benzodiazepines. Rebound insomnia, which is considered a form of withdrawal from sedative-hypnotics, may be contributing to the tendency of continuing the medication. These data do not suggest any substantive difference between flunitrazepam and other benzodiazepine hypnotics.

However, drug preference studies in opioid users have shown that flunitrazepam and diazepam stand out from other benzodiazepines in terms of producing a strong positive reinforcing effect in these subjects.

Based on the above, flunitrazepam is estimated to have a moderate abuse potential which may be higher than other benzodiazepines. The rapid onset and longer duration of action, coupled with the strong sedative-hypnotic effects, may be contributing to its higher abuse potential.

4. Actual abuse and/or evidence of likelihood of abuse

Information available indicates that the non-medical use or abuse of flunitrazepam is widespread among drug abusers, particularly opioid and cocaine abusers. Flunitrazepam is reported to be the most widely abused benzodiazepine by opioid abusers in many large cities in Europe, Asia and Oceania. Flunitrazepam abuse is reported even in the United States of America where the drug is not marketed for therapeutic use.

Reported reasons for the abuse of flunitrazepam include potentiation of opioid effects, substitution for the opioid when it is difficult to obtain, and self-medication for opioid withdrawal. Oral intake is the most common route of administration of flunitrazepam but some abusers take the drug by intravenous injection or by snorting. Health problems associated with the abuse of flunitrazepam include deaths directly or indirectly related with the drug use, drug dependence, withdrawal syndrome, paranoia, amnesia and other psychiatric disorders.

Information on the extent of association of 37 benzodiazepines with illicit activities during the period 1984-1989, available to the 27th meeting of the WHO Expert Committee on Drug Dependence in 1990, clearly indicated a higher incidence of association with illicit activities of both diazepam and flunitrazepam in comparison with other benzodiazepines. At that time, however, the data were not evaluated in relation to drug availability. After an adjustment for the amounts manufactured and for potency, flunitrazepam further stands out in both seizures and the number of illicit cases involving the drug, whereas diazepam is no longer outstanding.

Information on drug involvement in illicit activities after 1990, received from governments in response to the WHO questionnaire in 1994, is limited, and does not allow a comparison among a large number of benzodiazepines. However, the recent report from Interpol and the increasing trend in the United States of America, despite the lack of licit medical supplies in that country, together with several recent reports showing flunitrazepam as being the main non-opioid drug abused by opioid abusers in major European cities, further substantiate its high abuse liability.

5. Therapeutic usefulness

Flunitrazepam is useful for the treatment of insomnia. It is also indicated as a pre-anaesthetic medication to assist in the induction and maintenance of anaesthesia. Flunitrazepam has a therapeutic usefulness similar to other benzodiazepine hypnotics, within the range from moderate to great.

6. Recommendation

Flunitrazepam has a greater likelihood of abuse than other benzodiazepines. Although there is some element of self-medication for opioid withdrawal, the abuse of flunitrazepam by opioid abusers complicates the clinical picture, leading to multiple drug dependence. Its abuse is prevalent also among youths and cocaine abusers. In addition to its oral and intravenous use, abuse by "snorting" has recently been reported. As yet, no other benzodiazepine has been reported as being abused by three different routes of administration; oral, nasal and intravenous. Flunitrazepam abuse has been associated with dependence and other behavioural problems. Illicit activities involving flunitrazepam are increasing even in the United States of America, where it is available illegally despite the lack of marketing for therapeutic use.

Based on the available data concerning its pharmacological and toxicological profile, dependence potential and likelihood of abuse, and paying particular regard to the above characteristics, the degree of seriousness of the public health and social problems associated with the abuse of flunitrazepam is assessed to have become substantial. On the basis of this and the assessment of its therapeutic usefulness, it is recommended that flunitrazepam be rescheduled into Schedule III of the Convention on Psychotropic Substances, 1971.

Mesocarb

1. Substance identification

Mesocarb (INN; CAS 34262-84-5), is chemically 3-(*α*-methylphenethyl)-*N*-(phenylcarbamoyl)sydnone imine, is also known as Pharmanocarb, Sidnocarb and Sydnocarb. Mesocarb has one asymmetric carbon atom in the molecule, so that two stereoisomeric forms and one racemate are possible.

2. Similarity to already known substances and effects on the central nervous system

Chemically, mesocarb is a sydnone imine having an amfetamine-like moiety in its molecule. Of the two optical isomers of mesocarb, only the levorotatory isomer exerts a stimulant effect on the central nervous system. This effect is significantly weaker than that of dexamfetamine. Mesocarb produces locomotor stimulation, anorectic activity, enhancement of conditioned reflexes, and shortening of the period of action of hypnotic agents. In addition, there are several pharmacological studies on mesocarb used in combination with other substances in animals, such as mesocarb-acetylsalicylic acid combination. Mesocarb has been reported to increase work capacity and improve cardiovascular function while maintaining normal oxygen consumption. Adverse reactions are similar to those of other CNS stimulants. Several studies in humans have shown that mesocarb increases resistance to environmental stress such as cold temperature, low gravity, and low oxygen levels in the air.

3. Dependence potential

Animal studies indicate that mesocarb has discriminative stimulus effects similar to CNS stimulants such as dexamfetamine and cocaine, as well as some reinforcing effects in monkeys, suggesting a low to moderate dependence potential.

4. Actual abuse and/or evidence of likelihood of abuse

There is some evidence to indicate that mesocarb is abused in sports, and its use has been banned by the International Olympic Committee.

Though reportedly discontinued, information from the International Narcotics Control Board indicated that large quantities of a pharmaceutical preparation containing mesocarb and acetylsalicylic acid were illegally exported to western Africa. Although epidemiological data are not available, it is believed that most, if not all, of the exported combination product was abused. On the basis of available information, mesocarb is assessed to have an appreciable abuse liability.

5. Therapeutic usefulness

Mesocarb is used in several countries, mainly in eastern Europe, as a stimulant to counteract acute intoxication by depressants; for the treatment of hyperactivity and nocturnal enuresis in children; and as an "energizer" to enhance resistance to environmental stress. The therapeutic usefulness of mesocarb is estimated to be within the range between little and moderate.

6. Recommendation

Although no epidemiological data are available on health problems associated with the actual abuse of mesocarb, mesocarb is abused in sports, and illicit activities involving mesocarb have been reported. Based on this and the available data concerning its pharmacological and toxicological profile, dependence potential and likelihood of abuse, the degree of seriousness of the public health and social problems associated with the abuse of mesocarb is assessed to be significant. On the basis of this and the assessment of its therapeutic usefulness, it is recommended that mesocarb be included in Schedule IV of the Convention on Psychotropic Substances, 1971.

Meth*cathinone*

1. Substance identification

Meth*cathinone* (CAS 5650-44-2), chemically 2-(methylamino)-1-phenylpropan-1-one, is also known as ephedrone and methyl*cathinone*. It has one chiral centre, so that two stereoisomeric forms and one racemate are possible.

2. Similarity to already known substances and effects on the central nervous system

Meth*cathinone* is the *N*-methyl derivative of cathinone, and is closely related to metamfetamine. Animal studies have shown that meth*cathinone* produces CNS stimulant effects similar to those produced by amfetamine, metamfetamine, cathinone and cocaine. Of the two optical isomers, the levorotatory form is more active.

3. Dependence potential

Drug discrimination and self-administration studies in animals indicate that meth*cathinone* has a dependence potential similar to central nervous system stimulants such as amfetamine and cocaine. Case reports and a study conducted in the United States of America on meth*cathinone* abusers also suggest that meth*cathinone* has a high dependence potential similar to that of metamfetamine.

4. Actual abuse and/or evidence of likelihood of abuse

Significant abuse of meth*cathinone* has been reported in Estonia, Latvia, the Russian Federation, and in some countries of the Commonwealth of Independent States as well as in the United States of America. Methcathinone is readily manufactured from ephedrine by oxidation. Meth*cathinone* is assessed to have a high abuse liability.

5. Therapeutic usefulness

Meth*cathinone* has not been marketed for therapeutic purposes. Its therapeutic usefulness is assessed to be very limited, if any.

6. Recommendation

Studies from the United States of America and the Russian Federation have confirmed that meth*cathinone* abuse results in adverse health effects similar to those associated with the abuse of metamfetamine, including fatal cases of acute intoxication. Illicit activities involving methcathinone, including clandestine manufacturing, are also reported widely.

Based on the available data concerning its pharmacological and toxicological profile, dependence potential and likelihood of abuse, and paying particular regard to the above characteristics, the degree of seriousness of the public health and social problems associated with the abuse of meth*cathinone* is assessed to be especially serious. On the basis of this and the assessment of its therapeutic usefulness, it is recommended that meth*cathinone* be included in Schedule I of the Convention on Psychotropic Substances, 1971.

Zipeprol

1. Substance identification

Zipeprol (INN; CAS 34758-83-3), chemically α-(α-methoxybenzyl)-4-(β-methoxyphenethyl)-1-piperazineethanol, is also known as Antituxil-Z, Cerm-3024, Chilvax, Delaviral, Dovavixin, Jactus, Eritos, Mirsol, Ogyline, Respilene, Respirase, Respirex, Sanotus, Santus, Silentos, Sousibim, Talasa, Tusigen, Tussiflex and Zitoxil. Zipeprol has three asymmetric carbon atoms in the molecule, so that eight stereoisomeric forms are possible.

2. Similarity to already known substances and effects on the central nervous system

In laboratory animals, zipeprol has been shown to have an antitussive activity weaker than codeine and comparable to dextromethorphan. Its pharmacological properties are different from those of opioid antitussives, such as codeine, in that zipeprol has anti-choliergic activities. It also does not produce respiratory depression, bile duct constriction or constipation, which are often associated with narcotic antitussives.

Unlike opioids, zipeprol is essentially devoid of analgesic activity, but at high doses, zipeprol acts as a weak opioid agonist. Zipeprol showed a bi-phasic effect in competing for binding sites in rat brain homogenates.

3. Dependence potential

In rats, lower doses of zipeprol amplify some opioid withdrawal manifestations whereas at higher doses it suppresses several morphine withdrawal symptoms. In the monkey, zipeprol suppresses morphine abstinence. Zipeprol is assessed to have a moderate dependence potential.

4. Actual abuse and/or evidence of likelihood of abuse

There have been a number of reports on the abuse of zipeprol from Brazil, Chile, France, Italy, Mexico, the Republic of Korea, Switzerland and the former Yugoslavia. These reports suggest that its sedative, hallucinatory and euphorigenic effects, and its ability to suppress some signs of opioid withdrawal at high doses, may be the reasons for its abuse. Over-the-counter distribution of zipeprol preparations may have contributed to its widespread abuse in some places. Taking this into account, zipeprol is assessed to have a moderate abuse liability.

Adverse health consequences of zipeprol abuse include seizures, hallucinations, confusion and amnesia. Dose escalation is not uncommon and fatal cases from acute intoxication were reported from several countries. The tablet form has been used for intravenous administration.

5. Therapeutic usefulness

A number of clinical studies have demonstrated the therapeutic efficacy of zipeprol for the treatment of cough. The therapeutic usefulness of zipeprol is assessed to be within the range between little and moderate.

6. Recommendation

Although zipeprol is a weak opioid agonist at high doses, its toxicity, hallucinogenic and other psychotropic effects constitute a significant element in its abuse. It is therefore appropriate to consider its control under the Convention on Psychotropic Substances, 1971.

Based on the available data concerning its pharmacological and toxicological profile, dependence potential and likelihood of abuse, the degree of seriousness of the public health and social problems associated with the abuse of zipeprol is assessed to be substantial. On the basis of this and the assessment of its therapeutic usefulness, it is recommended that zipeprol be included in Schedule II of the Convention on Psychotropic Substances, 1971.

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IMPLEMENTATION OF THE INTERNATIONAL DRUG CONTROL TREATIES

Adequacy of existing national drug control legislation

Note by the Secretariat

Summary

A review of national legislation indicated that most of the States parties to the Single Convention on Narcotic Drugs of 1961 and to the Convention on Psychotropic Substances of 1971 have enacted the basic legislation required for the implementation of those Conventions. Implementation of legislation is however often frustrated by lack of resources and expertise. Although the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 has been in force for only four years, much legislative activity has occurred to implement its provisions.

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INTRODUCTION

1. The Commission on Narcotic Drugs at its thirty-seventh session requested the Secretariat to prepare a note on the adequacy of existing national drug control legislation, for consideration under the agenda item on implementation of the international drug control treaties. The evaluation contained in the present note has been prepared in response to that request.

2. As of 31 October 1994, 149 States were parties to the Single Convention on Narcotic Drugs of 1961,[1] or to that Convention as amended by the 1972 Protocol,[2] 132 were parties to the Convention on Psychotropic Substances of 1971,[3] and 103 were parties to the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988.[4] Each of those conventions contains numerous provisions which create obligations for parties and require the adoption of corresponding national legislative or administrative provisions. National drug control laws and regulations are regularly communicated to the Secretary-General by States parties to the conventions as well as by States non-parties on a voluntary basis.

3. The focus of the present note is on whether national legislation of States parties adequately translates into their domestic order the obligations they have subscribed to under the international drug control treaties. Rather than an analysis of existing legislation party by party and convention by convention, which would be impracticable in the framework of the present note, a survey of salient features of the legislative implementation of the three conventions will be provided.

4. Comments related to the 1961 and 1971 conventions are mainly on legislation adopted to implement control measures concerning licit drug-related activities. Both conventions also include provisions on action against illicit traffic, seizure and confiscation, and penal sanctions. Implementing legislation on those matters is, however, presented under the heading of the 1988 Convention, which builds upon and expands the provisions of the previous conventions in the area of measures against illicit traffic.

5. All three conventions also deal with measures against illicit demand and abuse of drugs, and with alternatives to conviction and punishment for drug abusers. The implementation of those provisions is the subject of other documents submitted to the Commission under the agenda item on demand reduction, and will therefore not be reviewed in the present note.

6. In order to be considered adequate or inadequate, national legislation should be placed in the perspective of practical implementation experience. The implementation of the 1988 Convention does not offer enough critical distance for that purpose. As regards the 1961 and 1971 Conventions, implementation problems have been brought to light through the years by the International Narcotics Control Board, which is entrusted with the monitoring of those two conventions.

I. SINGLE CONVENTION ON NARCOTIC DRUGS OF 1961

A. Legislation enacted

7. Most of the 149 States parties to the 1961 Convention, as well as a number of States not yet parties, have adopted a comprehensive control system in order to regulate the licit production, manufacture and distribution of and international trade in narcotic drugs and to limit their use to medical and scientific purposes, as required under the Convention.

8. Narcotic control provisions may be included in a dangerous drugs act or controlled substances act, in a poisons ordinance, a food and drug act or a pharmacy law, depending on the various denominations and categorizations of narcotic drugs in each country. In a number of States, the control system is based on legislation adopted well before the 1961 Convention and not amended since then. Former colonies for example often appear to be operating from old metropolitan legislation.

9. According to data available to the Board, even in countries which do not appear to have adopted adequate narcotics control legislation, the control system of the domestic trade and import and export of narcotic drugs functions rather efficiently.

B. Substances controlled

10. The schedules of the 1961 Convention may be amended following a thorough procedure detailed under article 3. Some laws provide that decisions of the Commission to modify the schedules will be regarded as automatically modifying the national scope of controlled substances. Other laws set up a simplified system allowing substances to be added, deleted or transferred in the national schedules through an administrative order, for instance from the ministry of health. In any case, the process of amending the national schedules should be dissociated from the lengthy and heavy process of legislative amendment. The occasional issue of consolidated lists including all successive amendments is a useful procedure.

11. The 1961 Convention provides for various regimes applicable to different categories of drugs, to preparations containing them, and to plants under control. National laws, however, often reflect a different approach based on the specific needs of a given State. Thus, some States limit national control measures to drugs actually in use in their territory.

C. Internal control measures

12. Most national laws contain detailed provisions aimed at limiting to medical and scientific purposes the trade, possession and use of narcotic drugs. Participation in any phase of the trade in narcotic drugs - manufacture, wholesale and retail trade - is subject to the obtention of a license, to record-keeping and reporting obligations and to a system of inspection. Medical prescriptions are required for the dispensation of drugs to individuals. In several countries, however, in particular in Africa and in Asia and the Pacific, legal provisions on internal control measures, in particular concerning the status and functions of drug inspectors, are often not applied because of a shortage of resources and the weakness of administrative structures.

D. External control measures

13. All parties have established a licensing system to control the international trade in narcotic drugs and, when they permit the import and export of drugs, require import certificates and export authorizations. Such monitoring of licit international trade functions satisfactorily in preventing diversions from international trade into illicit channels.

14. Some practical problems, however, have been identified in several developing countries regarding the import of narcotic drugs by the armed forces, some transnational companies or some humanitarian organizations. The latter issue is currently being reviewed by the Board.

E. Control of licit poppy cultivation

15. Opium is subject under the 1961 Convention to specific control measures, in addition to the measures applicable to all drugs in Schedule I. States parties that produce opium are required to furnish to the Board annual estimates of quantities to be produced.

16. States parties are only required to indicate the surface area and geographical location of land used for the cultivation of opium poppy. The opium poppy can also be cultivated for purposes other than the production of opium, such as the production of seeds used in cooking and the manufacture of pharmaceutical products from poppy straw. The 1961 Convention does not provide for an effective control of the cultivation of opium poppy for purposes other than the production of opium, in spite of the fact that it may lead to diversion into the illicit traffic.

17. Some countries in which opium poppy is cultivated for poppy straw production have introduced licensing measures on a voluntary basis in order to prevent diversion. In other countries, where opium poppy is cultivated for the production of seeds, in particular in eastern and central European countries, national laws do not provide for the control of opium poppy growers or the limitation of areas for cultivation, and therefore do not adequately hinder possible diversion into illicit traffic.

18. In some Asian countries, national laws recognize a traditional character to the cultivation of opium poppy among certain ethnic groups, while prohibiting it outside those traditional areas.

F. Control of coca leaf

19. The coca leaf is defined as a drug under the 1961 Convention and is subject to all control measures applicable to narcotic drugs under Schedule I to which it belongs. Parties are therefore required to take necessary legislative and administrative measures to limit exclusively the production of coca leaves to the amounts needed for legitimate purposes, namely the licit manufacture of cocaine and the manufacture of a flavouring agent for beverages.

20. A provisional reservation was permitted under the Convention to allow for a transition in countries where coca leaves were traditionally chewed. The Board has already drawn attention to the non-conformity with international treaties of the legislation of countries where, in spite of the expiry of the transitional period, national laws continue to authorize the chewing of coca leaves and their use for the manufacture of commercial products (coca tea and coca toothpaste).

II. CONVENTION ON PSYCHOTROPIC SUBSTANCES OF 1971

A. Legislation enacted

21. Most of the 132 States parties to the 1971 Convention have adopted adequate legislative provisions for the control of psychotropic substances. In addition to States parties, several States non-parties to the 1971 Convention have also introduced psychotropic control measures into their national legislation. While some States have adopted a specific law for the control of psychotropic substances, many others have merely extended the scope of their narcotics control legislation to psychotropic substances, and included the latter under the narcotic drugs schedules, or they deal with the control of psychotropic substances under the general pharmaceutical legislation.

22. Shortcomings in the national legislation of States parties are partly reflected in the annual reports to the Board on manufacture of and trade in psychotropic substances required under article 16. Some

20 States parties do not regularly furnish those reports, or furnish only incomplete or unreliable reports. Most of those States have only limited and inadequate provisions for the control of psychotropic substances. In a number of States the requirements of the 1971 Convention have been reflected only in the penal law by establishing certain activities related to psychotropic substances as offences. In such cases, national legislation cannot be considered adequate since the main requirements of the 1971 Convention concern the regulation of licit activities.

B. Substances controlled

23. One hundred and five substances are currently controlled under the 1971 Convention (25 in Schedule I, 14 in Schedule II, 8 in Schedule III and 58 in Schedule IV). The scheduling criteria adopted under the 1971 Convention are more restrictive than those applied under the 1961 Convention. Schedules may be amended by the Commission following a procedure detailed in article 2. Parties are required to extend the scope of national control to newly scheduled substances, although they may avail themselves of the possibility provided in paragraph 7 of article 2 to apply more limited control measures to a newly scheduled substance, after notification and in view of exceptional circumstances. In some States, schedules of substances under national control are updated with several years delay. The adoption of automatic or simplified procedures for bringing new substances under national control would improve the control system.

C. Internal control measures

24. The 1971 Convention aims at limiting the use of substances in Schedule I - dangerous substances of little or no proven therapeutic value, such as LSD and other similar hallucinogens - to scientific and very limited medical purposes. Parties have to establish a licensing system for the manufacture and distribution of and trade in substances in the other Schedules, and impose record-keeping and reporting obligations, as well as a system of inspection. Dispensation to individuals can be made only pursuant to medical prescriptions.

25. It appears that internal control measures required under the 1971 Convention are adequately reflected in the national legislation of many States parties. Some Governments, though not equipped with adequate legislative provisions, are able to ensure internal control measures by way of administrative orders. In many developing countries, however, internal control measures cannot be properly implemented because of a lack of resources and non-functioning of the administration. Prescription requirements, for instance, are not complied with, and parallel markets function beside the licit distribution system.

D. External control measures

26. The 1971 Convention places emphasis on internal control measures over the manufacture and distribution of psychotropic substances. With regard to international trade, only substances in Schedule II are subject to a mandatory system of import and export authorizations. This limited control mechanism has not proven effective in preventing large-scale diversions of psychotropic substances, and, pursuant to recommendations of the Board endorsed by Economic and Social Council resolutions, has been strengthened by additional measures. A simplified estimate system - similar to the estimate system of medical and scientific needs under the 1961 Convention - has been successfully introduced for substances under Schedule II, and later extended to the substances in the other schedules. The application of the import and export authorization system has been extended to substances in Schedules III and IV.

27. Compliance with the simplified estimate system does not require the enactment of legislative provisions. As regards the export and import authorization system, 106 States parties are known to have extended it to all substances under Schedules III and IV or a large part of them; 19 States parties do not apply it to any substances under those Schedules, or apply it to only very few. Many States have introduced corresponding provisions in their drug control legislation, while some others are able to reach the same result through administrative regulations or instructions.

28. While most States not parties to the 1971 Convention are voluntarily cooperating with the Board to the extent possible under their national legislation, some major manufacturing and exporting countries among them have not yet adopted the legislation necessary to effectively control international trade in psychotropic substances under Schedules III and IV, thereby affecting the efficacy of controls in importing countries and creating a significant gap in international control mechanisms. It should be noted in that respect that article 13, on prohibition of and restrictions on export and import, enables parties to protect themselves against unwanted imports of psychotropic substances and their preparations, which are not subject to the import and export authorization system. Only a very limited number of countries - 19 parties and three non-parties - have so far taken advantage of article 13, and prohibited 59 different psychotropic substances and their preparations.

III. UNITED NATIONS CONVENTION AGAINST ILLICIT TRAFFIC IN NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES OF 1988

A. Legislation enacted

29. The adoption in December 1988 and entry into force in November 1990 of the 1988 Convention have been accompanied by a wide legislative movement. Many States have been prompted to revise their whole drug control legislation, by adopting comprehensive drug control laws covering the regulation of licit activities, the prevention of drug abuse, the treatment and rehabilitation of drug abusers, as well as the definition of offences, sanctions and investigatory powers. Other parties have adopted provisions of a more limited scope on specific areas such as precursors control, international cooperation or the control of drug trafficking proceeds.

30. The critical distance to assess the legislative implementation of the Convention is, however, limited, since less than four years have elapsed since its entry into force. Moreover, although the control of precursors is monitored by the Board under the provisions of article 12, the 1988 Convention, contrary to its predecessors, does not provide for a specific general monitoring mechanism, except to entrust the Commission with the review of the operation of the Convention, as provided for in article 21(a). Comments on the adequacy of legislation will therefore not focus on specific implementation problems, but rather consist in a general review of the laws communicated so far to the United Nations International Drug Control Programme (UNDCP) on key topics of the Convention. A background information paper containing lists, by subject-matter, of all laws and regulations concerning the 1988 Convention held in the UNDCP legal library has been prepared by the Secretariat, and will be available to the Commission.

B. Offences and sanctions

31. The 1961 and 1971 Conventions already included penal provisions. Under the 1988 Convention, however, the definition of offences and sanctions plays a pivotal role, since that Convention is mainly concerned with the detection and repression of illicit drug activities. Acts that parties are required to establish as criminal offences are enumerated under article 3. Part of that enumeration on illicit cultivation, production or supply of drugs merely recapitulates the penal requirements of the previous

conventions, which many States had already translated into provisions of their drug control law or penal code.

32. Other items under article 3 constitute innovations. Parties are required, for instance, to establish as criminal offences the manufacture, transport or distribution of precursors when done with the knowledge that they will be used for the illicit manufacture of drugs. Such a provision has been introduced in the penal legislation of many parties. Experience shows that arrests related to the illicit use of precursors often occur after the supply of precursors but before the manufacture of drugs. Therefore, the establishment of the illicit possession of precursors as an offence also appears necessary. A specific offence of possession of equipment and materials with the intention to use them in the illicit manufacture of drugs is lacking in many laws, and should be established in order to reach such conduct without having to resort to conspiracy law.

33. The offence of money-laundering constitutes another innovative item under article 3, and has led numerous parties to introduce in their national laws new provisions establishing money-laundering as an offence. While the 1988 Convention relates exclusively to the laundering of drug trafficking proceeds, a number of those laws deal with the laundering of property derived from serious offences in general. In many cases, money-launderers are made liable to penalties of lengthy imprisonment and significant fines.

34. Some countries that have not explicitly established money-laundering as an offence may consider that such conduct is covered under the ancillary offences of aiding, facilitating or counselling. These offences, however, are linked to the preparation or carrying out of the main offence, whereas money-laundering intervenes after the commission. It is, therefore, advisable to establish it separately.

35. The definition of the offence of money-laundering varies from one law to the other. Some acts specify the types of operations through which money-laundering can be achieved, while other provisions define the offence by reference to its purpose or effect, in particular concealment of the illicit origin, true nature or ownership of property, or assistance to the offender to retain the benefits of the offence and evade the legal consequences of his actions. Some parties have gone further by also establishing the intentional purchase, possession or use of illicit property as an offence.

36. The element of knowledge - that the property was derived from an offence - is required under all laws, but approached in various ways. Some laws do not define the standard of proof applicable to the element of knowledge. Others consider that there was knowledge if the person charged had reasonable grounds to suspect the illicit origin of the proceeds. Other laws are still stricter, and consider the knowledge proven in case of negligence or non-respect of professional obligations of vigilance.

37. The 1988 Convention only requires States to criminalize money-laundering. Many States have gone further by adopting preventive measures, in accordance with the requirements of various regional instruments and the recommendations of the Financial Action Task Force established by the Heads of State or Government of the seven major industrialized countries (Group of Seven) and the President of the Commission of the European Communities. Several laws, in particular in member States of the European Community (EC), provide for measures to prevent the financial system from being used for money-laundering. They impose various obligations on institutions and professions that carry out or advise on movements of capital. The most recent laws tend to broaden the range of financial actors and professions concerned by these regulations.

38. The obligations imposed on such institutions include the obligation to identify the customer or the actual beneficiary of the operation; to exert vigilance on operations involving amounts exceeding a certain threshold and surrounded by unusual conditions; to maintain and preserve certain records; and

to report on suspicious operations either to the law enforcement authorities or, when it exists in the country concerned, to the office specialized in money-laundering intelligence. Some laws also provide for the interdiction or mandatory reporting of cash transactions above a specified threshold amount, and for the obligation to report international transfers of funds and securities of a certain amount. Other laws enable the authorities to seize cash meant for import or export and suspected of being drug trafficking proceeds.

39. To accompany such preventive measures, the laws generally establish as offences conduct which constitutes a breach of vigilance or a breach of cooperation with law enforcement authorities, such as warning a customer that a suspicious operation has been reported. Those offences are made liable to fines and, for the most serious ones, to imprisonment, as well as optionally to professional sanctions. On the other hand, required disclosure of information is not treated as a breach of any obligation of secrecy or any restriction upon disclosure imposed by contract or rules of professional conduct.

C. Confiscation of proceeds

40. Article 5 of the 1988 Convention requires parties to confiscate drug trafficking proceeds. Such proceeds include not only property derived from traditional trafficking offences of import, export, production, cultivation and distribution, but also from illicit operations involving precursors and money-laundering activities. Numerous States have provided in their national legislation for the confiscation of drug proceeds. Relevant provisions show a great variety of approach as to the scope and conditions of confiscation.

41. Many laws have introduced a scheme of confiscation in which, when a person is convicted of a drug trafficking offence, the court determines whether he has benefited from drug trafficking and assesses the amount of such benefit. Confiscation is ordered of a sum representing the benefits and is exercised in respect of all assets of whatever origin held by the offender at the time of the order. In several laws, benefits are defined as including the gains obtained from the transformation, conversion or intermingling of the original benefits, as well as the income or other monetary benefits subsequently derived from them.

42. Another approach adopted in some laws defines the proceeds to be reached by confiscation as the actual proceeds of the offence or "tainted property". That system is less onerous on the defendant, since property will be confiscated only if it can be shown that it has been actually derived from the charged offence; legitimate assets are left out of the reach of confiscation. That approach is sometimes combined with the other scheme of value assessment, in cases where the actual tainted property is not available for confiscation because it cannot be located, has been diminished in value, has been commingled or has been transferred to a third party.

43. The laws adopted also reflect various possible approaches to the proof of the illicit origin of property. Some provisions set up rebuttable presumptions, for instance that all property acquired before the beginning of the proceedings within a defined period of time is property derived from drug trafficking. The onus of proof shifts in that case to the offender, who must satisfy the court that the assumption is incorrect. Several laws also state that the standard of proof applicable to the confiscation proceedings is the civil standard of balance of probabilities, instead of the more onerous criminal standard of proof beyond reasonable doubt. Several laws provide for the possibility of proceeding with confiscation independently from a conviction, in particular when the person charged has absconded or died.

44. Provisions on the confiscation of proceeds are, however, by themselves not sufficient unless national laws or regulations also enable competent authorities to identify and trace proceeds and to

freeze or seize them for the purpose of confiscation. In that respect, measures for the prevention of money-laundering constitute first steps towards identifying and tracing profits for eventual confiscation. In addition to those measures, several parties have made available in their laws special investigation powers to judicial and other competent authorities.

45. Such investigation powers include powers to obtain information and order the production of records, including bank and financial records. In many laws such powers override bank secrecy provisions; the refusal to disclose information is made liable to a penalty, and the act of disclosure is protected from civil or penal liability arising from conflicting obligations. Several laws also enable the competent authorities to apply, before or after conviction, their search and seizure powers to gather evidence in the investigation into drug trafficking proceeds.

46. Other investigation powers provided for in some laws include the power to monitor bank accounts. On the basis of strong suspicion and for a limited period of time, the competent authority may direct a bank or other financial institution to give information about transactions conducted through an account. Some laws also enable competent authorities, subject to similar conditions, to place telephone lines under surveillance, in order to gather evidence and identify property for confiscation.

47. Freezing and seizure powers are also essential for the purpose of confiscation, in order to prevent property from being removed from jurisdiction, hidden or dissipated. Most of the laws that provide for the confiscation of proceeds indeed also enable the courts to order the restraint of property or its seizure. Usually those provisional measures may be ordered ex parte (without the owner being previously informed and called), and are immediately enforceable. Detailed provisions regulate various questions such as which property is liable to be restrained or seized, the provision for living or legal expenses, the mechanism to have the property managed or dealt with and the procedure for variation or rescinding of such measures.

48. Finally, article 5 of the 1988 Convention provides that confiscated proceeds or property should be disposed of by a party according to its domestic law and administrative procedures. Many laws provide for the confiscated proceeds to be allotted to national drug control funds, narcotics control councils or treatment centres, and to be reinvested into law enforcement or prevention and treatment drug control activities.

D. Extradition

49. Extradition requests may arise in different contexts between parties to the 1988 Convention. They may be linked by an extradition treaty; they may have no treaty and decide when need arises to let article 6 function as an extradition treaty between them; and they may be able to request extradition or respond to an extradition request without the need for an extradition treaty, on the basis of national legislation.

50. UNDCP holds the texts of a number of bilateral treaties as well as laws related to extradition. Those instruments, however, do not give a complete picture of how extradition for serious drug offences functions between parties since the adoption of the 1988 Convention. Based on the limited information available, a few comments may be made on the implementation of the extradition provisions of the Convention.

51. Some States, in particular those with a common-law legal system, are able to grant extradition on the basis of a treaty that can be directly applied, without the need for implementing legislation. It is none the less advisable that each State be equipped with legislative provisions on extradition in order to regulate situations arising in the absence of an extradition treaty if they are not able to apply the

provisions of article 6 directly in their domestic legal order, or in order to implement and complete the extradition treaties they have concluded.

52. The first aim of article 6 is to ensure that serious drug offences defined under the 1988 Convention are treated as extraditable offences between parties. Some laws, mainly from common-law countries, define extraditable offences by means of a schedule of offences, in which they include an item on offences against the law relating to dangerous drugs; another approach adopted in a number of laws consists in defining a minimum penalty (one year imprisonment, for instance) that the offences must carry under the laws of both the requested and requesting States in order to be extraditable. In some cases, extraditable offences are enumerated in a list, and a minimum penalty is defined as an additional condition that may entail refusal to extradite.

53. Double criminality is a traditional requirement for extradition. Legislative provisions should set out a test of double criminality by which all acts and omissions constituting such conduct are taken into consideration as a whole, and differences in the name of the offence or in the category to which it belongs under the two legal systems are disregarded.

54. In many extradition laws, the definition of an offence as political constitutes a mandatory ground for refusal to extradite. Which offences are considered as political is usually left to case-law rather than to written legislation. It must be recalled in that context that article 3 on offences and sanctions requires, for the purpose of international cooperation under the Convention, that parties should not consider serious drug offences as fiscal or political offences.

55. In order to expedite extradition procedures as required under the 1988 Convention, parties should include in their legislation a provision enabling their competent authorities to extradite a fugitive after receipt of a simple request for provisional arrest (for which documentary requirements are limited), provided that the person sought consents to the extradition.

56. Some countries, mainly of the civil-law tradition, have constitutional or legislative provisions precluding the extradition of nationals. They are expected under the 1988 Convention to submit the case for prosecution, or consider the enforcement of the sentence imposed by the requesting State. On the other hand, most common-law countries, having a territory-based jurisdiction, are not in a position to exercise extraterritorial jurisdiction over their nationals, and should be prepared to extradite their own nationals.

57. Parties are encouraged under article 6 to conclude bilateral and multilateral agreements to enhance the effectiveness of the provisions of the Convention. The Crime Prevention and Criminal Justice Branch of the Secretariat has established a Model Treaty on Extradition (adopted by General Assembly resolution 45/116 of 14 December 1990) that may provide a useful basis for the drafting of such agreements. Regional cooperation can also be achieved through the adoption of harmonized legislation among countries with a similar legal context. The Scandinavian countries, for instance, implement a regional scheme based on uniform extradition laws.

58. Article 6 finally encourages parties to transfer prisoners to their home country to serve their sentences there. A Model Agreement on the Transfer of Foreign Prisoners,[5] also prepared by the Branch, may assist States in the development of bilateral or multilateral agreements on the subject. Several parties to the 1988 Convention have adopted legislation on the transfer of offenders.

E. Mutual legal assistance

59. In the area of mutual legal assistance as well, parties are encouraged by the 1988 Convention to conclude bilateral and multilateral agreements. Many regional agreements have indeed been adopted, for instance under the auspices of the Council of Europe, the Economic Community of West African States, the Organization of American States and the South Asian Association for Regional Cooperation. Numerous bilateral mutual assistance treaties have also come to the attention of UNDCP, as well as a number of model treaties developed bilaterally or under the auspices of the Branch, to assist States in negotiating networks of bilateral arrangements.

60. There has also been considerable legislative activity to implement the mutual legal assistance (article 7) and international confiscation (article 5, paragraphs 4 and 5) provisions of the Convention. Such legislation often applies to serious crime in general and not only to drug-related offences.

61. Implementation experience so far indicates that obstacles to mutual assistance often lie in practical difficulties encountered by competent authorities in identifying their counterparts and establishing fast, efficient channels of communication. Other implementation problems are due to disparities of legal and procedural requirements under different legal systems. Article 7 of the 1988 Convention provides that requests for assistance should be executed in accordance with the domestic law of the requested party, and where possible in accordance with the procedures specified in the request. Awareness of the legal requirements of the requested State is essential to formulate effective requests. For instance, investigations are usually conducted under judicial supervision in civil-law countries, whereas they are entrusted to police officers in common-law countries. An assistance request at the investigation stage issued by a non-judicial officer will frequently not be receivable in civil-law countries, unless it is certified by a judicial authority. Such legal or procedural constraints should be understood and taken into account to avoid delay or even refusal of assistance. For that purpose, guidance materials have been developed by some parties to inform requesting States on key procedural and substantive constraints that limit their ability to execute certain requests.

62. Domestic legislation on mutual legal assistance should also take into account such disparities and enable competent authorities to grant or use assistance with the required flexibility. In the area of evidence gathering for instance, the procedures for taking evidence from a witness differ greatly between countries with common-law and civil-law systems. parties should, on the one hand, enable their authorities to gather evidence in a form admissible in the requesting State, for instance by allowing foreign officials to be present, or by providing for the possibility to question a witness according to various procedures. On the other hand, States should provide for flexible provisions concerning the admissibility of evidence obtained from foreign States, according to procedures different from their own.

F. Controlled delivery

63. Several States have adopted legislative provisions to empower their competent authorities to undertake controlled deliveries. Most of those laws contemplate both domestic and international controlled deliveries. Some of them outline conditions for cooperation with other countries. In many cases, however, the basis for cooperation in carrying out controlled deliveries at the international level may be defined better through bilateral agreements or arrangements than by national law.

64. The implementation of the provisions of the 1988 Convention on controlled delivery, however, does not always require legislation. It must be noted that the use of that law enforcement technique is also widespread in various countries, such as Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America, where no legislation explicitly authorizes it. In such cases, the use of the technique is left to the discretion of the law enforcement officers who detected an offence.

G. Control of precursors

65. Article 12 on precursors only provides for general control measures, and leaves to the discretion of parties the translation of its provisions into specific national measures. The requirements of countries vary according to their situation as drug-manufacturing countries, or chemical-producing, importing, exporting or transit countries.

66. Significant efforts have been made at the regional level to develop harmonized legislation, in particular in Europe and in America. The Inter-American Drug Abuse Control Commission (CICAD) of the Organization of American States has developed Model Regulations to Control Chemical Precursors and Chemical Substances, Machines and Materials. Most CICAD member States have now incorporated those model regulations into their national legislation. The Commission and the Council of Ministers of the European Communities have adopted regulations to control the international trade in precursors, and issued directives to control the manufacture of and trade in precursors within EC members States, which are in the process of adopting harmonized legislation in that area. Model legislation has also recently been developed by UNDCP.

67. Whether in the framework of a regional harmonization initiative or independently, a large number of States have adopted legislative provisions relevant to the control of precursors, or are in the process of doing so. In many other States, however, the adoption of adequate legislation is still hindered by domestic policies on deregulation of the chemical industry and by concern about the impact that the control of precursors could have on licit chemical trade. Several major manufacturing, exporting and transit countries are not yet parties to the 1988 Convention, and lack a suitable legal framework for control. In other cases where legislation exists, it does not focus on the use of precursors in the illicit manufacture of drugs, but on their potential for abuse as psychotropic substances or their nature as hazardous chemicals, and is therefore inadequate. Other areas of weakness in legislation identified by the Board relate to the control of transactions in transit countries, in particular transactions handled by brokers, and to control measures in free trade zones or ports.

68. Even in cases of countries equipped with adequate legislation and a firm legal basis for the control of precursors, inadequacies often occur at the level of implementation. Control measures may be weakened by the lack of effective cooperation mechanisms between countries - exporting, transit and importing countries for instance; by the lack of coordination within a country between different law enforcement authorities; or by the absence of cooperation between control authorities and the chemical industry. There is, therefore, a need for countries to establish effective working mechanisms, in order to implement existing legislative provisions, or even in the absence of such legislation.

IV. CONCLUSION

69. To conclude the general comments on adequacy of existing national legislation, it should be recalled that UNDCP has intensified its cooperation with individual requesting States in the assessment of their needs for new or revised legislation, in the drafting of the required laws and regulations, in the legislative approval process, and in the implementation phase. Surveys of treaty provisions that need to be incorporated into national legislation have been prepared, and are available on request, as are model laws covering most of the subject-matters of the three major drug control treaties.

70. In an effort not only to assist States in modernizing their national legislation, but also to help ensure regional legislative harmonization, increasingly acknowledged as a basis for efficient international cooperation, UNDCP is organizing a series of regional legal workshops towards the preparation and

adoption of harmonized drug control legislation, while supporting the building or strengthening of national institutions and human resources development.

71. While stressing the fundamental importance of national legislation for treaty implementation and for an efficient drug control system, it should be noted that the day-to-day application of control measures also depends on a number of other factors, such as administrative policies, the working mechanisms used by the control authorities and the human and financial resources available for drug control. Such factors are often decisive for the implementation of legislative provisions.

72. The political will and enlightened self-interest that led States to adhere to the international drug control treaties needs to be translated into a firm commitment to implement their provisions through appropriate administrative measures, collaborative action and the allocation of the required budgetary resources. The international drug control system, based on treaty provisions elaborated by States for the protection of the health and welfare of their citizens, can only be effective if national commitments result in practical action and concerted efforts to achieve the objectives of the treaties.

Notes

[1]United Nations, Treaty Series, vol. 520, No. 7515.

[2]Ibid., vol. 976, No. 14152.

[3]Ibid., vol. 1019, No. 14956.

[4]E/CONF.82/15 and Corr.2.

[5]Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985: report prepared by the Secretariat (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. D.